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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,075	09/30/2004	Dieter Lange	THIELK-034XX	4256
28452 7590 03/03/2008 BOURQUE & ASSOCIATES INTELLECTUAL PROPERTY ATTORNEYS, P.A. 835 HANOVER STREET SUITE 301 MANCHESTER, NH 03104				
EXAMINER				
KERN, KEVIN P				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
03/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/510,075

Applicant(s)

LANGE, DIETER

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 1,6 and 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in paragraph [0001], the reference to "patent claim 1" should be removed. In this instance, it is suggested to delete "according to the main subject of patent claim 1". Appropriate correction is required.

Claim Objections

2. Claims 1, 6, and 8-10 are objected to because of the following informalities: in claims 1, 8, and 10, replace all instances of "complimentary" with "complementary". In claim 1, 2nd line, delete "the" before "one" to obtain proper antecedent basis. In claim 6, last line, delete "(1)" after "component". In claim 9, at the end of the last line, add a period after "component". Throughout new claim 10, commas and/or semicolons are believed to be necessary (at least) after "embossings" (in the 9th line), and after "component" (in the 3rd line from the end of the claim). Commas and/or semicolons are also suggested for independent claims 1 and 8 (see next section) for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to independent claims 1, 8, and 10, the phrase "can be" is indefinite, as "can be" recites optional functions of being "welded together" (2nd line of these claims) and "pressed" (7th line of these claims). It is suggested to replace "can be" with "are" before "welded together" and with "is" before "pressed" to more distinctly define these limitations in the claims.

Regarding independent claims 1, 8, and 10, these claims are generally written in narrative format, while lacking punctuation (e.g. commas, semicolons etc.), such that these claims read like run-on sentences. Corrections in the form of punctuation and/or separation of text into phrases/clauses are required to distinctly set forth these claim limitations.

Claim 2 recites the limitation "the associated component". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 insofar as definite (in view of the 35 USC 112, 2nd paragraph rejections) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Voss et al. (US 5,573,345).

With regard to independent claim 1, Voss et al. disclose a component (14) having one circulatory embossing (15) that protrudes beyond its surface toward the connection side and engages in a complementary recess (12) of the other component (10) and that can be pressed during resistance welding, such that the component (14) has additional embossings (see Figures 1 and 2) that limit the impression depth of the circulatory embossing into the recess of the other component (Figure 1). As to claim 2, each additional embossing protrudes by the same height. As to claims 3 and 4, the embossing exhibits a round contour to be fitted in a round recess. As to claim 5, the embossings are oblong fins. As to claim 6, all embossings are provided on the same component (see Figure 1). As to claim 7, the first and second components are for use in vehicle seats (abstract; column 1, lines 9-12 and 53-57; column 2, lines 23-67; column 4, lines 28-67; column 5, lines 1-35; and Figures 1-5). It is noted that the claim 1 limitation "limit the impression depth" is subject to its broadest reasonable interpretation. During patent examination, the pending claims must be "given the

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broadest reasonable interpretation.". Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). In the instant case, the broadest reasonable interpretation of the term "limit" (of the limitation "that limit the impression depth") would include providing a "limit" by either physical structure(s) alone or the space/distance that is required from the physical structure(s) to allow for its/their operation, and thus would be interpreted as being inclusive and/or suggestive of the teachings of Voss et al.

Allowable Subject Matter

8. Claims 8-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

9. The examiner acknowledges the applicant's amendment provided with the request for continued examination received by the USPTO on December 17, 2007. Upon review, new objections to the specification and claims, as well as new 35 USC 112, 2nd paragraph rejections, are raised in above sections 1-4. The prior art rejections under 35 USC 102(b) have been replaced with rejections under 35 USC 102/103, and US 5,573,345 replaces the (equivalent) German reference in above section 7. The

applicant has added new claims 9 and 10. Claims 1-10 are currently under consideration in the application.

10. Applicant's arguments with respect to rejected claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

With regard to the applicant's remarks/arguments pages 6-10 of the amendment, it is first noted that newly underlined portions are provided in above section 7 to include more detail in the 35 USC 102/103 rejections. In addressing the applicant's arguments, most have been addressed in the final rejection (mailed August 17, 2007), the interview summary (of the interview conducted on October 31, 2007), and the advisory action (mailed November 23, 2007). In addressing the applicant's major argument, the examiner maintains his position that the term "limit" must be given its broadest reasonable interpretation in view of the claim language provided in independent claim 1. In view of the explanations set forth in the interview summary and advisory action, the applicant has included the term "contact" to distinctly define the broad term "limit" in independent claims 8 and 10, and thus claims 8-10 would be in condition for allowance after amending to overcome the 35 USC 112, 2nd paragraph rejections. As a result, claims 1-7 remain rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is

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(571)272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin P. Kerns
Primary Examiner
Art Unit 1793

/Kevin P. Kerns/
Primary Examiner, Art Unit 1793
February 21, 2008